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ABSTRACT

Three documents related to the passage of Public Law 102-62 are presented. The first document is the House of Representatives Report 102-104, a report of the Committee on Education and Labor regarding the establishment of a National Council on Education Standards and Testing. The Council would be established to determine whether standards for student achievement can be established for grades 4, 8, and 12, and whether an appropriate system of tests can be established to determine progress toward these standards. The second document, Report 102-110, is a conference report of June 12, 1991, of compromises and adjustments made to combine the proposed House bill with a Senate proposal to establish a National Education Commission on Time and Learning to study the school year and hours of instruction. The third document is the text of Public Law 102-62, June 27, 1991, known as the Education Council Act of 1991. This Act establishes: (1) a National Education Commission on Time and Learning; (2) a National Writing Project for teacher education in writing instruction; (3) a civic education program for elementary schools; and (4) the National Council on Education Standards and Testing. (SLD)

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ED341693

PUBLIC LAW 102-62 OF THE 102nd CONGRESS
RELATING TO THE EDUCATION COUNCIL ACT OF 1991

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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102D CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
102-104

NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING ACT

JUNE 10, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. FORD of Michigan, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 2435]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 2435) to establish a National Council on Education Standards and Testing, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Council on Education Standards and Testing Act".

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to create a national council to provide advice on the feasibility and desirability of national standards and testing in education.

(b) FINDINGS.—The Congress finds that—

(1) organizations have begun developing national education standards for various subject areas and grade levels;

(2) groups have called for the expansion of national testing for school children;

(3) decisions regarding the desirability and feasibility of additional national testing should follow such decisions on national standards for education;

(4) efforts regarding national standards and testing should be undertaken with the broadest possible participation by the public; and

(5) a major national council is needed to assure broad participation by the public, to provide a focus for national debate on national education standards and testing, and to provide advice on the feasibility and desirability of developing national standards and testing.

49-006

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SEC. 3. ESTABLISHMENT.

There is established a council to be known as the National Council on Education Standards and Testing (in this Act referred to as the "Council").

SEC. 4. DUTIES.

The Council shall advise the American people on—

(1) whether suitable specific education standards can be established such as world class standards, for—

(A) the knowledge and skills that students should possess and that schools should impart in order that American students leave grades 4, 8, and 12 demonstrating competency in challenging subject matter including English, mathematics, science, history, and geography; and

(B) every school in American to ensure that all students learn to use their minds well so that they will be prepared for responsible citizenship, further learning, and productive employment in our modern economy; and

(2) whether, while respecting State and local control of education, an appropriate system of voluntary national tests or examinations can be established, such as American achievement tests, that will provide prompt, accurate information to parents, educators, and policymakers on the progress being made toward the specific education standards by individual students, schools, school systems, States, and the Nation as a whole (if such standards can be established). The goal of any such system shall be to foster good teaching and learning, as well as to monitor performance.

SEC. 5. REPORTS.

(a) FINAL REPORT.—The Council shall, as soon as possible, but not later than December 31, 1991, submit a report to the Secretary of Education, Congress, and the National Education Goals Panel that contains recommendations regarding long-term policies, structures, mechanism, and other important considerations with respect to the objectives described in paragraphs (1) and (2) of section 4. A discussion of the validity, reliability, fairness, and costs of implementing a system of voluntary national tests or examinations shall also be included in such report.

(b) INTERIM REPORTS.—The Council may submit to the Secretary of Education, Congress, and the National Education Goals Panel interim reports it considers appropriate.

SEC. 6. MEMBERSHIP.

(a) IN GENERAL.—The Council shall be composed of 32 members as follows:

(1) The Secretary of Education shall appoint 22 members to include representatives from at least one of each of the following:

(A) The Administration.
(B) The Commission on Achievement of Necessary Skills.
(C) The National Assessment Governing Board.
(D) State legislators
(E) Chief State school officers.
(F) School administrators.
(G) Elementary or secondary school teachers.
(H) Institutions of higher education.
(I) Individuals with expertise in educational standards and testing.
(J) National teacher organizations.

(2) The Chairperson or a designee of the National Education Goals Panel.

(3) The Governor designated to serve as Chairperson of the National Education Goals Panel for the year succeeding the year in which such panel is meeting (or a designee).

(4) The Speaker of the House of Representatives shall appoint 1 member (excluding members of Congress).

(5) The minority leader of the House of Representatives shall appoint 1 member (excluding members of Congress).

(6) The majority leader of the Senate shall appoint 1 member (excluding members of Congress).

(7) The minority leader of the Senate shall appoint 1 member (excluding members of Congress).

(8) The Chairman of the Committee on Education and Labor of the House or a designee.

(9) The ranking minority member of the Committee on Education and Labor of the House or a designee.

(10) The Chairman of the Committee on Labor and Human Resources of the Senate or a designee.

(11) The ranking minority member of the Committee on Labor and Human Resources of the Senate or a designee.

(b) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(c) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Council.

(d) QUORUM.—17 members of the Council shall constitute a quorum.

(e) COCHAIRPERSONS.—The Chairperson or a designee of the National Education Goals Panel and the Governor designated to serve as the Chairperson for the year succeeding the year in which the panel is meeting (or a designee) shall serve as cochairperson of the Council upon the date of the enactment of this Act.

(f) COMPENSATION.—

(1) MEMBERS.—Except as provided in paragraph (2), members of the Council shall each be reimbursed at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Council.

(2) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States shall receive no additional compensation by reason of their service on the Council.

SEC. 7. DIRECTOR AND STAFF; EXPERT AND CONSULTANTS.

(a) DIRECTOR.—The cochairpersons of the Council shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director to be paid at a rate not to exceed the rate of basic pay for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The cochairpersons may appoint personnel as they consider appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Council shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification and General Schedule pay rates.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Council to assist the Council in its duties under this Act.

SEC. 8. POWERS OF COUNCIL.

(a) HEARINGS.—The Council may, for the purpose of this Act, hold hearings, sit and act at the times and places, take testimony, and receive evidence, the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before it.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Council may, if authorized by the Council, take any action the Council is authorized to take by this section.

(c) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish the information to the Council to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) SUPPORT SERVICES.—The Secretary of Education shall provide to the Council, on a reimbursable basis, administrative support services as the Council may request.

SEC. 9. FEDERAL ADVISORY COMMITTEE ACT.

Sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) are the only sections of such Act that shall apply with respect to the Council.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000 to carry out this Act which shall remain available until expended or until the termination of the Council, whichever occurs first.

SEC. 11. TERMINATION.

The Council will cease to exist 90 days after submitting its final report.

I. Introduction

In reporting H.R. 2435, the Committee proposes to authorize appropriations to create a National Council on Education Standards and Testing which shall provide advice on the desirability and feasibility of national standards and testing in education.

II. Committee Action

On March 14, 1991, the Subcommittee on Elementary, Secondary, and Vocational Education held a hearing on "National Testing: Pros and Cons" in Washington, D.C. Witnesses testifying at the hearing included: the Honorable Roy Romer, Chair, National Education Goals Panel; the Honorable William E. Brock, Chairman, Secretary's Commission on the Achievement of Necessary Skills; Dr. Gregory R. Anrig, President, Educational Testing Service; Dr. Trevor Sewell, Acting Dean, College of Education, Temple University; Dr. Saul Cooperman, President, Educate America; Dr. Monty Neill, Associate Director, Fair Test; Dr. Karl V. Hertz, Superintendent, Mequon-Thiensville School District; Dr. E.W. Kelley, Professor of American Government, Cornell University; and Mr. Gordon M. Ambach, Executive Director, Council of Chief State School Officers.

On May 22, 1991, Mr. Kildee for himself and Mr. Ford of Michigan introduced H.R. 2435, which was referred to the Committee on Education and Labor.

The Subcommittee on Elementary, Secondary, and Vocational Education, on May 30, 1991, considered and ordered H.R. 2435 reported to the full Committee on Education and Labor. On June 5, 1991, the bill was considered, amended, and ordered reported by the Committee by a roll call vote of 36 to 0.

III. Background and Need for Legislation

The issues of national education standards and testing have captured an increasing amount of national attention. At a time when concern over the quality of American public education has reached an all-time high, education standards and testing are seen by some groups as the critical remedy in improving our schools. Specifically, the Commission on the Skills of the American Workforce, the Secretary's Commission on the Achievement of Necessary Skills, the President's Education Policy Advisory Committee, the National Assessment Governing Board, and a private organization, Educate America, have promoted the development of national education standards (i.e., consensus statements of what children at various grade levels are expected to know in certain subject areas) as well as national examinations or tests which more strongly emphasize performance-based assessment.

On March 14, 1991, the Subcommittee on Elementary, Secondary, and Vocational Education held an oversight hearing entitled, "National Testing: Pros and Cons." This hearing explored some of the major standards and testing proposals and featured discussions of associated issues by a variety of experts. Additionally, the Subcommittee has monitored the activities of the Department of Education and groups involved in these issues. Finally, the Subcommit-

tee reviewed available materials on standards and assessment generally and on the various specific proposals.

The Subcommittee's findings, delineated in section 2 of the bill, recognize: that organizations have begun the development of national education standards; that some groups have called for the expansion of testing for school children; that decisions regarding the desirability and feasibility of national education standards should precede similar decisions regarding additional national testing; that efforts to develop any such national standards and testing should be undertaken with the broadest possible participation of the public; and that a national council is necessary to provide a focus so that Congress, the Secretary of Education, the National Education Goals Panel, and the American public can be properly advised on the desirability and feasibility of moving forward in these areas.

Finally, decisions regarding national education standards and testing must involve the Congress and should be reached through statutorily authorized processes.

IV. Explanation of H.R. 2435

Purpose

The purpose of H.R. 2435 is to establish a National Council on Education Standards and Testing to provide advice to the Congress, the Secretary of Education, the National Education Goals Panel, and the American people on the desirability and feasibility of national standards and testing in education.

Duties of the Council

Section 4 describes the duties of the Council, which are to provide advice on (1) whether suitable specific education standards should and can be established, and (2) whether, while respecting state and local control of education, and appropriate system of voluntary national tests or examinations should and can be established. It is the intent of the Committee that the Council address each of these issues in terms of its desirability and feasiblity consistent with the bill's stated purpose (see section 2(a) of the bill).

In proposing the establishment of a National Council on Education Standards and Testing, the Committee in no way endorses the proposition that national education standards or a system of national examinations are either desirable or feasible. It is the purpose of the Council to examine a broad range of considerations with regard to these two issues and report their findings and recommendations to the Congress, the Secretary of Education and the National Education Goals Panel. As this process continues, it should be clearer what further action, if any, the Congress ought to take in this area.

While the following is by no means an exhaustive discussion of the issues associated with the desirability and feasibility of national education standards and a system of national examinations, it does reflect some of the central concerns and considerations that have been brought to the Committee's attention.

Desirability

The Council should consider a wide range of factors when determining whether national education standards and a national test or a system of national examinations is desirable. These factors include, but are not limited to:

1. whether the purposes of a system of national examinations (accountability vs. instructional improvement) should be identified prior to a discussion of feasibility;
2. what the benefits and liabilities are of imposing uniform national standards, a national test, or a system of national examinations on an education system where curriculum is traditionally controlled at the state and local level;
3. whether there is any evidence that national education standards and a national test or system of national examinations promotes improvements in educational achievement or in the ability of teachers to perform their jobs;
4. whether rigorous national standards and/or examinations are necessary to raise student achievement levels to equal or exceed those of other developed nations;
5. whether uniform national standards are appropriate when there are wide variations in the resources available to school systems, both within and across states;
6. whether national standards or tests should be coordinated with or build upon existing state testing;
7. whether support that would provide educationally disadvantaged children, handicapped children, and children with limited English proficiency the opportunity to succeed should be a part of any effort to implement national education standards and a system of national examinations; and
8. whether national tests or examinations that are intended for instructional improvement or for school accountability can be used for unitended purposes (e.g., sorting and tracking of students).

Feasibility

Should the Council decide to recommend that standards and national tests or a system of national examination is desirable, then it should proceed to consider whether these are also feasible. In this regard, there are a number of issues for the Council to consider.

According to testimony before the Committee, standards must clearly describe what children at given ages are expected to know in certain subjects. A major feasibility consideration is whether consensus is possible or likely on particular sets of standards and, if so, whether it can be developed within a given time frame. Related to this is the question of how to develop an open process wherein all interested participants, including teachers, have the opportunity to be heard at all stages of the development process. The process used by the National Council of Teachers of Mathematics is one example.

Another issue is whether, given the wide variations in the levels of student performance across the country in English, mathematics, science, history, and geography, it is feasible to develop educa-

tion standards which challenge all children to do their best without penalizing those with lesser educational opportunity.

A third issue is whether is it feasible to develop a national test or system of national examinations that preserves the prerogatives of states, schools, teachers, and parents in making important decisions in the areas of curriculum and educational programs.

The Committee encourages the Council to pay close attention to these concerns and considerations, and to solicit input from teachers, education administrators, school board members, parents, and research, evaluation, subject matter, and testing experts relative to other feasibility issues.

The Council is also required in section 4 to assess whether it is feasible to establish an appropriate system of voluntary national tests or examinations. The Committee wishes to emphasize that this section of the ball also includes the language, "while respecting State and local control of education." This reflects a major concern voiced by witnesses at the hearing on national testing. Thus, in making recommendations regarding the feasibility of a system of national tests or examinations, it is incumbent upon the Council to pay close attention to the effect that such a system would have on state and local educational priorities, curricula, assessment, programs, and practice.

At a minimum, the Council is required to assess the feasiblity of an appropriate system of national tests or examinations in the context of four factors—validity, reliability, fairness, and cost. The Committee's intent is that such a system of tests, if it cannot pass muster on each and every one of these factors would not be "appropriate."

Validity (i.e., the extent to which a test measures what it is intended to measure) and reliability (i.e., the extent to which a test is dependable, stable, and consistent when administered to the same individuals on different occasions) are recognized as fundamental factors in the evaluation of any test in the "Standard for Educational and Psychological Testing," developed by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

The fairness (i.e., an absence of bias for or against any racial, ethnic, economic, linguistic, or gender group) factor comes from concerns raised in testimony that tests by their design or use may not provide all groups of students with an equal opportunity for success. This issue is especially important here because at least several of the proposals for national tests or systems of national examinations call for much more extensive use of performance-based test items, and information provided to the Committee indicates that the research on some types of performance based assessments is sparse—especially with regard to standardization of the items and their administration and scoring.

The National Education Goals Panel in its objectives for goal three (i.e., by the year 2000, American students will leave school with competency in key academic areas) states that "academic performance for elementary and scondary students will increase significantly in every quartile, and the distribution of minority students in each level will more closely reflect the student population as a whole." The Committee strongly believes that efforts must be

made to ensure that minority students are given every opportunity to achieve at the same level as the student population as a whole.

To this end, the Committee is particularly concerned about the ability of testing instruments to measure progress toward standards without racial, gender, or socioeconomic bias. Certainly, any national test or system of national examinations that is not bias free will diminish the ability of many students to succeed. For this reason, the Committee expects that determining the desirability and feasibility of national standards and testing will involve the question of whether a basis free national test can be designed.

The factor of cost also comes from testimony before the Committee and has several facets—(i) the cost of developing the tests or examinations, (ii) the cost of their administration, and (iii) and who is expected to pay for all of these costs (i.e., federal government, states, school districts parents, etc.). The Council also is advised to give attention to the issue of indirect costs (e.g., time taken away from instruction for test preparation). To date, the Committee has had little success in obtaining information relative to the direct or indirect costs of the various national test proposals.

As indicated above, these factors are the minimum criteria for evaluating feasibility of a system of national tests or examinations. The Committee expects that the Council will also consider other factors and considerations raised by knowledgable individuals and organizations such as The National Forum on Assessment.

Reports

Section 5 provides that the Council shall submit a final report as rapidly as possible (but not later than December 31, 1991) to the Congress, the Secretary of Education, and the National Education Goals Panel. This report will contain recommendations related to the desirability and feasibility of a system of national education standards and testing, and will include a discussion of the validity, reliability, fairness, and costs of the implementation of such a system.

The report shall also include advice on long-term policies and the implementation of such recommendations and advice. This should include information on what kings of administrative or programmatic structures or mechanisms may be appropriately related to the development and implemenation of national education standards and testing, if deemed desirable and feasible.

This section also provides that the Council may submit to the Congress, the Secretary of Education, and the National Education Goals Panel such interim reports as it considers appropriate.

Appointment of the Council

Recently, the National Education Goals Panel invited people to serve on an interim advisory panel that would examine issues similar to those required by this bill. It is the Committee's understanding that the Council established by H.R. 2435 will supercede that interim panel. As part of the Committee's agreement with the Secretary of Education and the National Education Goals Panel, those previously appointed individuals will serve on the National Council on Standards and Testing. They represent various entities including the Administration, the Secretary of Labor's Commission on

the Achievement of Necessary Skills, the National Assessment Governing Board, state legislators, chief state school officers, school administrators, elementary or secondary school teachers, representatives of institutions of higher education, individuals with expertise in education standards and testing, national teacher organizations, the governor who currently chairs the National Education Goals Panel as well as the governor who is the next designated chair of such panel (or his designee).

Council members will also include: the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives (or their designees); the Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate (or their designees); 2 members appointed by the Speaker and the Minority Leader of the House of Representatives (excluding members of Congress); and 12 members appointed by the Majority and Minority Leaders of the Senate (excluding members of Congress).

The Council has a total of 32 members who are appointed for the life of the Council and is co-chaired by the two governors. This section also provides that 17 members shall constitute a quorum and that members (other than full-time officers and employees of the United States) shall be compensated through reimbursement at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day during which they are engaged in Council business.

Director and Staff

Section 7 of the bill provides that the Council shall have a Director and such staff as it considers appropriate, appointed by the co-chairs of the Council without regard to the cumbersome title 5 appointment requirements. This section also authorizes the Council to procure the services of consultants and expects that the Council will use this authority to invite the assistance and recommendations of technical experts (e.g., psychometricians).

Powers of the Council

Section 8 delineates the powers of the Council including the authority to hold hearings, to delegate authority, secure information from federal agencies, accept gifts and donations, use the U.S. mails in the manner of a federal agency, and receive support services from the Department of Education.

Applicability of FACA

Section 9 provides that with the exception of two provisions, the Federal Advisory Committee Act (FACA) shall not apply with respect to the Council. These exceptions ensure that Council meetings, transcripts, minutes, reports, and other documents will be open for inspection by the public. Because this is a short term Council, the bill exempts it from most of the provisions of FACA, thereby leaving it to comply only with those provisions which require fair notice of meetings and business "in the sunshine."

Authorization of Appropriations and Termination

The bill authorizes an appropriation of $1,000,000 to carry out this Act which shall remain available until expended or until the termination of the Council (i.e., 90 days after submitting its final report), whichever occurs first.

V. Committee Approval

In compliance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the Committee states that on June 5, 1991, a quorum being present, the Committee favorably ordered reported H.R. 2435, with amendment, by a vote of 36 to 0.

VI. Oversight Statement

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings or recommendations of the Subcommittee on Elementary, Secondary, and Vocational Education, established pursuant to clause 2(b)(1) of rule X of the Rules of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the Committee has determined that legislation should be enacted as set forth in H.R. 2435.

VII. Inflationary Impact Statement

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 2435 will have little or no inflationary impact on the prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

VIII. Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings or recommendations of the Committee on Government Operations were submitted to the Committee.

IX. Cost of This Legislation

A. CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3) (B) and (C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 10, 1991.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2435, the National Council on Education Standards and Testing Act, as ordered reported by the House Committee on Education and Labor on June 5, 1991.

If you wish further details on this cost estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2435.
2. Bill title: National Council on Education Standards and Testing Act.
3. Bill status: As ordered reported by the House Committee on Education and Labor on June 5, 1991.
4. Bill purpose: This bill authorizes a national council to provide advice on the feasibility and desirability of national standards and testing in education.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995	1996
Authorization	1				
Estimated outlays	1				

The costs of this bill fall in Function 500.

Basis of estimate: H.R. 2435 authorizes appropriations of $1 million for the council to complete a report by December 31, 1991. This report is to contain recommendations regarding the establishment of education standards in the United States. The council is to be terminated 90 days after the completion of this report. CBO assumes that the report will be complete close to the date specified and therefore assumes the council will be in existence only during fiscal year 1992. Estimated outlays assume full appropriation of the authorization.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Because this bill would not affect direct spending or receipts, there are no pay-as-you-go implications.
7. Estimated cost to State and local government: None.
8. Estimate comparison: None.
9. Previous CBO estimate: None.
10. Estimate prepared by: Diane Celuch.

11. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

B. COMMITTEE ESTIMATES

With reference to the statement required by clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

X. SECTION-BY-SECTION ANALYSIS

Section 1 provides that this Act may be cited as the "National Council on Education Standards and Testing Act."

Section 2 provides that the purpose of this Act is to create a national council to provide advice on the desirability and feasibility of national standards and testing in education. This section also delineates congressional findings.

Section 3 establishes the National Council on Education Standards and Testing.

Section 4 provides that the duties of the Council shall be to advise the American people on (i) whether suitable specific education standards should and can be established, and (ii) whether, while respecting state and local control of education, an appropriate system of voluntary national tests or examinations should and can be established.

Section 5 provides that the Council shall, as rapidly as possible, but not later than December 31, 1991, submit a report to the Congress, the Secretary of Education and to National Education Goals Panel. This section also provides that the Council may submit such interim reports as it considers appropriate.

Section 6 provides that the Council shall have 32 members and contains specific requirements related to appointment. This section also containes provisions regarding vacancies, terms of appointment, quorums, election of the chairperson, and compensation.

Section 7 provides that the co-chairs of the Council shall appoint a Director and may appoint additional staff. This section also provides that the Council may procure the services of experts and consultants, and may request a federal department or agency to detail personnel to the Council.

Section 8 delineates the powers of the Council including the holding of hearings, delegation of authority, securing of information from federal agencies, ability to accept gifts and donations, authority to use the U.S. mails, and ability to receive support services from the Department of Education.

Section 9 provides that only selected sections of the Federal Advisory Committee Act shall apply with respect to the Council.

Section 10 authorizes to be appropriated $1,000,000 to carry out this Act.

Section 11 provides that the Council will cease to exist 90 days after submitting its final report.

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102D CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
102-110

EDUCATION COUNCIL ACT OF 1991

JUNE 12, 1991.—Ordered to be printed

Mr. FORD of Michigan, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 64]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 64) to provide for the establishment of a National Commission on a Longer School Year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Council Act of 1991".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Table of contents.

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Sec. 202. National Writing Project.

TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

Sec. 301. Instruction on the history and principles of democracy in the United States.

49-006

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priated $5,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.

House amendment

The House Amendment contains no comparable provisions.

Conference agreement

The House recedes with an amendment which requires biennial reports to the Congress relative to the "We the People . . ." program. Additionally, the conference agreement amends Part B of Chapter 2 of Title I of the Elementary and Secondary Education Act to require the Secretary of Education, in administering the law-related education program, to give application priority to statewide programs, to make 2 or 3 year assistance awards, and to convene panels of experts for the purpose of reviewing applications for assistance.

NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

Senate bill

The Senate bill contains no comparable provisions.

House amendment

The House amendment creates the "National Council on Education Standards and Testing Act" which establishes a 32 member National Council on Education Standards and Testing to advise the American people on—

1. whether suitable specific education standards should and can be established, and
2. whether, while acknowledging state and local control of education, an appropriate system of voluntary national tests or examination should and can be established.

The amendment also provides that the Council shall, as rapidly as possible, but not later than December 31, 1991, submit a report to the Congress, the Secretary of Education, and to the National Education Goals Panel (as well as interim reports as appropriate).

Finally, the House amendment authorizes to be appropriated $1,000,000 to carry out this Act, provides that the Council shall receive support services from the Department of Education, and provides that the Council will cease to exist 90 days after submitting its final report.

Conference agreement

Senate recedes.

Section 406(a) of the agreement provides that the congressionally-specified congressional members of the Council may select designees who are other members of Congress, experts from outside of the Congress, or congressional staff.

The conference agreement, in section 406(f), provides that members of the Council who are officers and employees of the United States shall receive no additional compensation by reason of their service on the Council. The intention of the managers is to prohibit such officers and employees from concurrently accepting compensation for service on the Council and their regular federal salaries.

Subject to applicable laws and regulations, it is not intended to preclude reimbursement for travel expenses (i.e., transportation, lodging, and meals) associated with their service on the Council.

The Senate receded to the House on the issue of the appointment of a Director of the Council, While agreeing that cochairpersons of the Council shall appoint such a Director, the Conferees urge the Governors to appoint a person who is knowledgable in the technical and policy aspects of testing and assessment, does not have a strong, preconceived opinion on the desirability and feasibility of national standards and testing, and is not part of any other public entity which has an official opinion on these issues or a vested interest in the outcome of the Council's work. The Conferees feel strongly that without such a director, the results of the Council's work could be compromised.

Because the Council must work quickly to accomplish its mandate, the conferees expected that the Department will immediately begin implementation of this act of following its enactment, even if the authorized appropriation is not yet available. The conferees express our clear understanding with the Administration that the Council established under this Title will supercede the previously appointed interim advisory council to the National Goals Panel.

WILLIAM D. FORD,
DALE E. KILDEE,
G. MILLER,
BILL GOODLING,
STEVE GUNDERSON.
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
ORRIN HATCH,
NANCY LANDON KASSEBAUM
Managers on the Part of the Senate.

○

Public Law 102-62
102d Congress

An Act

To authorize appropriations to establish a National Education Commission on Time and Learning and a National Council on Education Standards and Testing, and for other purposes.

June 27, 1991
[S. 64]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Education Council Act of 1991.
20 USC 1221-1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Council Act of 1991".

20 USC 1221-1 note.

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TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

Sec. 301. Instruction on the history and principles of democracy in the United States.

PART B—LAW-RELATED EDUCATION PROGRAM

Sec. 311. Amendment to law-related education program.

TITLE IV—NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

Sec. 401. Short title.
Sec. 402. Purpose and findings.
Sec. 403. Establishment.
Sec. 404. Duties.
Sec. 405. Reports.
Sec. 406. Membership.
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TITLE I—NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

National Education Commission on Time and Learning Act.
20 USC 1221-1 note.

Sec. 101. SHORT TITLE.

This title may be cited as the "National Education Commission on Time and Learning Act".

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SEC. 102. NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

(a) ESTABLISHMENT.—There is hereby established a National Education Commission on Time and Learning (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall consist of nine members, of whom—

(A) 3 members shall be appointed by the Secretary of Education (hereafter in this Act referred to as the "Secretary");

(B) 3 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

(2) REQUIREMENTS.—

(A) After consultation among the appointing authorities, members of the Commission shall be appointed on the basis of exceptional education, training, or experience from among—

(i) the Nation's Governors;

(ii) individuals from the business community;

(iii) individuals who are engaged in the profession of teaching;

(iv) individuals engaged in school administration, members of school boards, and parents or representatives of parents or parent organizations;

(v) State officials directly responsible for education;

(vi) Federal officials responsible for education policy;

(vii) educational researchers with experience relevant to the Commission's work;

(viii) Members of Congress and State legislators; and

(ix) representatives of nonprofit organizations or foundations which work to expand educational opportunities for children outside of school hours.

(3) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) TERMS.—Members of the Commission shall be appointed to serve for the life of the Commission.

(5) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(6) ACTIVITY OF COMMISSION.—The Commission may begin to carry out its duties under this subsection when at least 5 members of the Commission have been appointed.

(c) FUNCTIONS OF THE COMMISSION.—

(1) STUDY.—The Commission shall examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects,

year-round professional opportunities for teachers, and the use of school facilities for extended learning programs.

(2) REPORT.—The Commission shall submit a final report under subsection (d). The report shall include an analysis and recommendations concerning—

(A) the length of the academic day and the academic year in elementary and secondary schools throughout the United States and in schools of other nations;

(B) the time children spend in school learning academic subjects such as English, mathematics, science, history, and geography;

(C) the use of incentives for students to increase their educational achievement in available instruction time;

(D) how children spend their time outside school with particular attention to how much of that time can be considered "learning time" and how out-of-school activities affect intellectual development;

(E) the time children spend on homework, how much of that time is spent on academic subjects, the importance that parents and teachers attach to homework, and the extent to which homework contributes to student learning;

(F) year-round professional opportunities for teachers and how teachers can use their time to acquire knowledge and skills that will permit them to improve their performance and help raise the status of the profession;

(G) how school facilities are used for extended learning programs;

(H) the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools;

(I) if appropriate, a model plan for adopting a longer academic day and academic year for use by United States elementary and secondary schools by the end of this decade, including recommendations regarding mechanisms to assist States, school districts, schools, and parents in making the transition from the current academic day and year to an academic day and year of a longer duration;

(J) suggestions for such changes in laws and regulations as may be required to facilitate States, school districts, and schools in adopting longer academic days and years; and

(K) an analysis and estimate of the additional costs, including the cost of increased teacher compensation, to States and local school districts if longer academic days and years are adopted.

(d) COMMISSION REPORT.—Not later than 2 years after the Commission concludes its first meeting, the Commission shall submit a final report to the Congress and the Secretary on the study and any recommendations required pursuant to the provisions of this section.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) TESTIMONY; PUBLIC HEARINGS.—In carrying out this section, the Commission shall receive testimony and conduct public hearings in different geographic areas of the country, both

urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the quality and adequacy of the time devoted to study and learning.

(3) INFORMATION.—The Commission may secure directly from any Federal agency such information, relevant to its functions, as may be necessary to enable the Commission to carry out this subsection. Upon request of the Chairman of the Commission, the head of the agency shall, to the extent permitted by law, furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of money, services, or property, for the purpose of aiding the work of the Commission.

(5) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the department and agencies of the United States.

(6) SUPPORT SERVICES.—The Secretary shall provide to the Commission on a reimbursable basis such reasonable administrative and support services as the Commission may request.

(f) ADMINISTRATIVE PROVISIONS.—

(1) MEETINGS.—The Commission shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission.

(B) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates, except that no employee, other than the staff director, may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(4) OTHER FEDERAL PERSONNEL.—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title. Such detail shall be without interruption or loss of civil service status or privilege.

(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out the provisions of this title.

TITLE II—NATIONAL WRITING PROJECT

20 USC 1221-1 note.

SEC. 201. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other

teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 202. NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

Contracts.
Nonprofit organizations.

(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) MAXIMUM.—(A) The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(B) The grantee under section 202, or any school or institution of higher education that receives funds under this section shall not spend more than 10 percent of the Federal funds it receives under this section for administrative costs.

(4) SPECIAL RULE.—For the purposes of this subsection, the costs of teacher programs do not include the administrative costs, publication cost, or the cost of providing technical assistance to the grantee.

(e) CLASSROOM TEACHER GRANTS.—

(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) NATIONAL ADVISORY BOARD.—

(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) EVALUATION.—The Secretary shall reserve not more than $150,000 from the total combined amount appropriated pursuant to the authority of this section for fiscal years 1991, 1992, and 1993 to conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) GRANTS AUTHORIZED.—From amounts available to carry out the provisions of this subsection, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(2) PRIORITY.—(A) In awarding grants pursuant to paragraph (1), the Secretary shall give priority to junior researchers.

(B) The Secretary shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

(C) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the grant to the National Writing Project, $10,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993 to carry out the provisions of this section.

(2) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated $500,000 for fiscal year 1991 to carry out the provisions of subsection (h).

(j) DEFINITIONS.—As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "junior researcher" means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term "Secretary" means the Secretary of Education.

20 USC 1221-1 note.

TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

SEC. 301. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4608 (as added by Public Law 100-297) as section 4610; and

20 USC 3157.

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this section) the following:

"SEC. 4609. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES. 20 USC 3156b.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and civil responsibility. Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

"(3) CONTRACT AUTHORIZED.—The Secretary is authorized to enter into a contract with the Center for Civic Education to carry out the program required by paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights;

"(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

"(3) an annual competition of simulated congressional hearings at the congressional district, State, and national levels for secondary students who wish to participate in such program.

"(c) PROGRAM PARTICIPANTS.—The education program authorized by this section shall be made available to public and private elementary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

"(e) REPORT.—The Secretary shall report on a biennial basis, to the appropriate committees of the Congress on the distribution and use of funds authorized pursuant to the authority of subsection (f).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

PART B—LAW-RELATED EDUCATION PROGRAM

SEC. 311. AMENDMENT TO LAW-RELATED EDUCATION PROGRAM. Grants. Contracts.

Section 1565 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2965) is amended—

"(1) in subsection (a)—

(A) by inserting "(1)" before "(a)"; and

(B) by adding at the end the following:

"(2) The Secretary shall give priority for grants and contracts under this section to agencies, organizations, and institutions described in paragraph (1) that plan to operate statewide programs.

"(3)(A) Except as provided in subparagraph (B), the Secretary shall award grants and enter into contracts under this section for periods of 2 or 3 years.

"(B) The Secretary may award a grant or enter into a contract under this section for a period of less than 2 years in any case in which the Secretary determines that special circumstances exist."; and

"(2) by adding at the end the following:

"(d) APPLICATIONS.—

"(1) Any agency, organization, or institution described in subsection (a)(1) that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) The Secretary shall convene a panel of experts for purposes of reviewing applications submitted under paragraph (1). Such experts shall be individuals who have experience in and are familiar with law-related education.".

TITLE IV—NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

National Council on Education Standards and Testing Act. 20 USC 1221-1 note.

SEC. 401. SHORT TITLE.

This title may be cited as the "National Council on Education Standards and Testing Act".

SEC. 402. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this title is to create a national council to provide advice on the desirability and feasibility of national standards and testing in education.

(b) FINDINGS.—The Congress finds that—

(1) organizations have begun developing national education standards for various subject areas and grade levels;

(2) groups have called for the expansion of national testing for school children;

(3) decisions regarding the desirability and feasibility of additional national testing should follow such decisions on national standards for education;

(4) efforts regarding national standards and testing should be undertaken with the broadest possible participation by the public; and

(5) a major national council is needed to assure broad participation by the public, to provide a focus for national debate on national education standards and testing, and to provide advice on the desirability and feasibility of developing national standards and testing.

SEC. 403. ESTABLISHMENT.

There is established a council to be known as the National Council on Education Standards and Testing (in this title referred to as the "Council").

SEC. 404. DUTIES.

The Council shall advise the American people on—

(1) whether suitable specific education standards should and can be established, such as world class standards, for—

(A) the knowledge and skills that students should possess and that schools should impart in order that American students leave grades 4, 8, and 12 demonstrating competency in challenging subject matter including English, mathematics, science, history, and geography; and

(B) every school in America to ensure that all students learn to use their minds well so that they will be prepared for responsible citizenship, further learning, and productive employment in our modern economy; and

(2) whether, while respecting State and local control of education, an appropriate system of voluntary national tests or examinations should and can be established, such as American achievement tests, that will provide prompt, accurate information to parents, educators, and policymakers on the progress being made toward the specific education standards by individual students, schools, school systems, States, and the Nation as a whole (if such standards can be established). The goal of any such system shall be to foster good teaching and learning, as well as to monitor performance.

SEC. 405. REPORTS.

(a) FINAL REPORT.—The Council shall, as soon as possible, but not later than December 31, 1991, submit a report to the Congress, the Secretary of Education, and the National Education Goals Panel that contains recommendations regarding long-term policies, structures, mechanisms, and other important considerations with respect to the objectives described in paragraphs (1) and (2) of section 404. A discussion of the validity, reliability, fairness, and costs of implementing a system of voluntary national tests or examinations shall also be included in such report.

(b) INTERIM REPORTS.—The Council may submit to the Congress, the Secretary of Education, and the National Education Goals Panel interim reports it considers appropriate.

SEC. 406. MEMBERSHIP.

(a) IN GENERAL.—The Council shall be composed of 32 members as follows:

(1) The Secretary of Education shall appoint 22 members to include at least one representative from each of the following:

(A) The Administration.

(B) The Commission on Achievement of Necessary Skills.

(C) The National Assessment Governing Board.

(D) State legislators.

(E) Chief State school officers.

(F) School administrators.

(G) Elementary or secondary school teachers.

(H) Institutions of higher education.

(I) Individuals with expertise in education standards and testing.

(J) National teacher organizations.

(2) The Chairperson or a designee of the National Education Goals Panel.

(3) The Governor designated to serve as Chairperson of the National Education Goals Panel for the year succeeding the year in which such panel is meeting (or a designee).

(4) The Speaker of the House of Representatives shall appoint 1 member (excluding Members of Congress).

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(5) The minority leader of the House of Representatives shall appoint 1 member (excluding Members of Congress).

(6) The majority leader of the Senate shall appoint 1 member (excluding Members of Congress).

(7) The minority leader of the Senate shall appoint 1 member (excluding Members of Congress).

(8) The Chairman of the Committee on Education and Labor of the House or a designee.

(9) The ranking minority member of the Committee on Education and Labor of the House or a designee.

(10) The Chairman of the Committee on Labor and Human Resources of the Senate or a designee.

(11) The ranking minority member of the Committee on Labor and Human Resources of the Senate or a designee.

(b) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(c) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Council.

(d) QUORUM.—17 members of the Council shall constitute a quorum.

(e) COCHAIRPERSONS.—The Chairperson of the National Education Goals Panel or a designee and the Governor designated to serve as the Chairperson for the succeeding year in which the panel is meeting (or a designee) shall serve as cochairpersons of the Council upon the date of the enactment of this title.

(f) COMPENSATION.—

(1) MEMBERS.—Except as provided in paragraph (2), members of the Council shall each be reimbursed at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Council.

(2) EXCEPTION.—Members of the Council who are fulltime officers or employees of the United States or Members of Congress shall receive no additional compensation by reason of their service on the Council

SEC. 407. DIRECTOR AND STAFF; EXPERT AND CONSULTANTS.

(a) DIRECTOR.—The cochairpersons of the Council shall, without regard to the provisions of title 5, United States Code relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The cochairpersons may appoint personnel as they consider appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Council may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Council shall not exceed the rate of basic pay for level V of the Executive Schedule.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of

that agency to the Council to assist the Council in its duties under this title.

SEC. 408. POWERS OF COUNCIL.

(a) HEARINGS.—The Council may, for the purpose of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before it.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Council may, if authorized by the Council, take any action the Council is authorized to take by this section.

(c) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish the information to the Council to the extent permitted by law.

(d) GIFTS AND DONATIONS.—Subject to the regulations established under paragraph (2), the Council may accept, use, and dispose of gifts or donations of services or property.

(2) The Cochairpersons of the Council are authorized to establish regulations setting forth the criteria the Council shall use to determine whether the acceptance of gifts or donations of services under paragraph (1) would reflect unfavorably upon the ability of the Council or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a government program or any official involved in such program. Regulations.

(e) MAILS.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) SUPPORT SERVICES.—The Secretary of Education shall provide to the Council, on a reimbursable basis, administrative support services as the Council may request.

SEC. 409. FEDERAL ADVISORY COMMITTEE ACT.

Sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) are the only sections of such Act that shall apply with respect to the Council.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000 to carry out this title which shall remain available until expended or until the termination of the Council, whichever occurs first.

SEC. 411. TERMINATION.

The Council will cease to exist 90 days after submitting its final report.

Approved June 27, 1991.

LEGISLATIVE HISTORY—S. 64 (H.R. 2435):

HOUSE REPORTS: Nos. 102-104 accompanying H.R. 2435 (Comm. on Education and Labor) and 102-110 (Comm. of Conference).
SENATE REPORTS: No. 102-26 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 17, considered and passed Senate.
June 10, H.R. 2435 considered and passed House; proceedings vacated and S. 64, amended, passed in lieu.
June 13, House agreed to conference report.
June 14, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
June 27, Presidential statement.